

RESOLUTION NO. \_\_\_\_\_

RESOLUTION ESTABLISHING AGRICULTURAL PRESERVE

WHEREAS, an application has been filed establishing an agricultural preserve within the meaning of the California Land Conservation Act of 1965 with respect to the following described property: (Either Assessor's parcel number (s) or legal description):

Assessor Parcel Numbers: 031-060-001 and 031-060-004 and 031-050-013 and 031-050-014

WHEREAS, a public hearing has been had upon such application in the manner prescribed by the said Act.

NOW THEREFORE, IT IS HEREBY RESOLVED as follows:

1. That the said land meets the requirements prescribed for eligibility for an agricultural preserve.
2. That the said land is hereby designated and established as an agricultural preserve within the meaning of and pursuant to the California Land Conservation Act of 1965 and shall be known as Preserve No. \_\_\_\_\_
3. That the compatible uses authorized for such preserve are those set forth in Chapter 19.01, Article II "Agricultural Preserves" of the San Benito County Code heretofore adopted by this Board.
4. The Chairman of the Board is hereby authorized to execute on behalf of the County of San Benito, a Land Conservation Contract with the owner of the lands within the agricultural preserve created hereby.

Passed and adopted by the Board of Supervisors of the County of San Benito, State of California, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following vote:

AYES: Supervisors:  
NOES: Supervisors:  
ABSENT: Supervisors:

\_\_\_\_\_  
Chairman of said Board

ATTEST:

\_\_\_\_\_  
Clerk of said Board

APPROVED AS TO LEGAL FORM  
SAN BENITO COUNTY COUNSEL

*Shirley L. Murphy* Oct. 28, 2019  
DEPUTY COUNTY COUNSEL DATE

By: \_\_\_\_\_  
Deputy Clerk of the said Board

CLCA Form (11-67), Rev.(1-13)

**SAN BENITO COUNTY  
LAND CONSERVATION CONTRACT**

THIS CONTRACT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by and between Rist Family Trust UTD 2001  
Armond E. Rist, Jr. and Ann C. Rist

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\_\_\_\_\_, hereinafter referred to as "Owner (s)", and the COUNTY OF SAN BENITO, a political  
subdivision of the State of California, hereinafter referred to as "County":

**WITNESSETH:**

The purpose of this contract is to qualify the land subject hereto for land assessment purposes as provided in  
the Land Conservation Act of 1965, as amended, as said Act existed at the time of execution of this contract.

WHEREAS, OWNER possesses certain real property located within County, which property is presently  
devoted to agricultural use and is described as follows:

(Either Assessor's parcel number (s) or legal description)

Assessor's Parcel Numbers: 031-060-001 and 031-060-004 and 031-050-013 and 031-050-014

WHEREAS, said property is situated within an agricultural preserve heretofore established by County as  
Preserve No \_\_\_\_\_, and,

WHEREAS, both Owner and County desire to limit the use of said property to agricultural and compatible  
uses in order to discourage premature and unnecessary conversion of such land to urban use, recognize that such  
land has substantial value to the public as open space and the preservation of such land in such use constitutes  
an important physical, social, esthetic, and economic asset to County,

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein and the  
substantial public benefits to be derived therefrom, do hereby agree as follows:

1. The within Contract is made and entered into pursuant to the Land Conservation Act of 1965, as  
amended at the time of execution of this Contract, and is subject to the applicable provisions thereof.

2. During the term of this Contract the above described land shall not be used for any purpose, other than  
agricultural and compatible uses. No structures shall be erected upon said land except such structures as may be  
directly related to and compatible with allowed uses hereunder.

3. If any action in eminent domain for the condemnation of any land described herein is hereafter filed, or  
any portion of the property is acquired in lieu of condemnation, the provisions of Sections 51290-51295 of the  
California Government Code shall apply.

4. This contract shall be effective commencing on the 31<sup>st</sup> day of December, 20\_\_\_\_ and shall remain in  
effect for an initial period of ten (10) years therefrom. Each year, on the anniversary date of this Contract, one  
year shall be automatically added to the initial term, unless notice of non-renewal is given as provided in  
Section 51245 of the California Government Code.

5. Owner shall not receive any payment from County in consideration of the obligations imposed hereunder, inasmuch as the parties recognize and agree that the consideration for the execution of the within Contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to Owner as a result of the method of calculating the assessed value of the subject land due to the restrictions placed thereon.

6. This contract may not be cancelled except in the manner provided in Sections 51280 through 51287 of the Government Code of California.

7. The within contract shall run with the land described herein and shall be binding upon the heirs, successors, and assigns of the parties hereto.

8. In the event the land under this contract is divided, a contract identical to the contract then covering said land shall be executed by the Owner (s) of each parcel created by the division at the time of the division. Any such division shall be made only upon approval of County and upon condition that each parcel after division meets the requirements for an agricultural preserve. County shall require, as a condition of the approval, the execution of the contracts provided for in this paragraph.

IN WITNESS WHEREOF, the parties hereto have executed the within Agreement the day and year first above written.

OWNERS SIGNATURE

Armond Everett  
Rist, Jr.  
Ann Carol Rist

NAME (TYPEWRITTEN)

Armond Everett

Rist, Jr

Ann Carol Rist

NOTE: Each Signature Must Be Notarized

COUNTY OF SAN BENITO

By \_\_\_\_\_  
Chairman of the Board of  
Supervisors of said County.

ATTEST:

\_\_\_\_\_  
Clerk of said Board

BY: \_\_\_\_\_  
Deputy Clerk of the said Board

APPROVED AS TO LEGAL FORM  
SAN BENITO COUNTY COUNSEL

Shirley L. Murphy Oct. 28, 2019  
DEPUTY/COUNTY COUNSEL/ DATE

(attach acknowledgements)

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

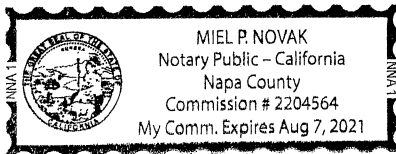
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of Napa )  
 On 9/17/2019 before me, Miel P. Novak, notary public,  
 Date Here Insert Name and Title of the Officer  
 personally appeared Armond Everett Rist, Jr. and Ann Carol Rist,  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature \_\_\_\_\_  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
 Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

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☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_